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March 19, 2008

VIA ELECTRONIC FILING

The Honorable William D. Quarles, Jr.
United States District Judge
U.S. District Court for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201

Re: EEOC v. LA Weight Loss (Pure Weight Loss)
Case No. WDQ-02-CV-648

Dear Judge Quarles:

In response to the letter of the Chapter 7 Trustee, EEOC states that it does not oppose the Trustee's proposal for a status conference with the Court on March 25, 2008, in lieu of a pre-trial conference, to discuss the posture of this case. Due to the failure of the Defendant and the Trustee to defend this case — including the failure of the Defendant and the Trustee to participate in preparation of a pre-trial order — it is now not feasible to conduct a pre-trial conference on March 25th.

In this regard, EEOC reiterates that while the Trustee has just recently retained Mr. Harrison and appeared in this action, and has now opposed EEOC's Application for Default Judgment and sought a stay (Paper Nos. 219 & 220), *the Trustee persists in his failure to inform the Court or the EEOC whether he will in-fact defend this case at trial.* It is EEOC's position that (a) the Trustee has no intention of ever defending this action at trial but is instead attempting to create delay for reasons that he believes will serve the interests of the bankruptcy estate but that have nothing to do with defense of this case, the orderly and speedy administration of justice, or the civil rights of the class of persons for whom EEOC seeks relief in this action; (b) that the Defendant has obviously discontinued its defense of this case; (c) that no further delay should be tolerated; and (d) that the conditions warranting default judgment are therefore present. It is the intention of the EEOC to continue its prosecution of this action and reduce its claims to a judgment, whether that judgment be in the form of a default judgment, a consent judgment, or a judgment following a trial. EEOC also opposes any stay of this action, and will file a pleading opposing the Trustee's motion to stay this case. Under the Bankruptcy Code and Fourth Circuit case law, EEOC is entitled to continue its prosecution of this case and reduce its claims to judgment without undue delay, to be followed by collection efforts in bankruptcy proceedings.

The undersigned EEOC counsel can be reached at (410) 209-2737. EEOC counsel Supervisory Trial Attorney Tracy Hudson Spicer can be reached at (202) 419-0711.

Sincerely,

/s/

Ronald L. Phillips

Senior Trial Attorney